

Decision ALTERNATE DRAFT DECISION OF COMMISSIONER BROWN
(Mailed 5/2/02)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the City of Fontana Community Development Department to install pre-signals and interconnect steel sleeving under and at the tracks of the Southern California Regional Rail Authority (SCRRA/Metrolink)/ Burlington Northern and Santa Fe Railway Company (BNSF) in the City of Fontana, San Bernardino County.

Application 01-10-044
(Filed October 31, 2001)

O P I N I O N

Summary

City of Fontana (City) requests authority to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing across Southern California Regional Rail Authority's (SCRRA/Metrolink) San Gabriel Subdivision tracks. The Burlington Northern and Santa Fe Railway Company (BNSF) freight trains operate on the SCRRA right-of-way.

Discussion

City proposes to install pre-signals with interconnect steel sleeving at the existing Sierra Avenue railroad grade crossing. Adjacent traffic signal locations are the vehicular intersections of Sierra Avenue at Orange Way (north of Sierra Avenue Crossing) and Sierra Avenue at Ceres Avenue (south of Sierra Avenue Crossing). The MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR

STREETS AND HIGHWAYS (1988 Edition), published by the United States Department of Transportation Federal Highway Administration, states, “When highway intersection traffic control signals are within 200 feet of a grade crossing, control of the traffic flow should be designed to provide the vehicle operators using the crossing a measure of safety at least equal to that which existed prior to the installation of such signals.” Since the adjoining traffic signals are within 200 feet of Sierra Avenue Crossing, City is justified in installing pre-signals, thereby precluding motor vehicles from queuing across the railroad tracks during average daily peak hours. Each pre-signal will consist of a traffic signal pole and mast arm with light-emitting diode (LED) indications specified by State of California Department of Transportation (Caltrans). The proposed steel sleeving is required to provide a means of installing communication media to traffic signals on both sides of Sierra Avenue Crossing.

Commission General Order 75-C, Section 7.10 (“Traffic Signals Near Grade Crossings.”) states, “At some street and highway intersections, railroad tracks pass in or near the intersection and are protected by traffic signals. At such intersections preemption of the traffic signals by the railroad signals to avoid conflicting aspects of the traffic signals and the railroad crossing signals should be provided.” Consequently, to avoid conflicting aspects between the pre-signals/traffic signals and activated railroad crossing signals at Sierra Avenue Crossing, City will provide traffic signal preemption at the intersections of Sierra Avenue at Orange Way and Sierra Avenue at Ceres Way and pre-signal preemption by actuated railroad crossing signals.

Similar devices currently exist in California, but because pre-signals may now be considered experimental in nature, we recommend that staff conduct statewide workshops with the City of Fontana, other local agencies and railroads

to assess the effectiveness of the pre-signals. Statewide workshops would provide the appropriate venue for all interested parties to voice their opinions and if necessary, to change the procedures or requirements for approval of these devices on a statewide basis.

City is the lead agency for this project under California Environmental Quality Act of 1970 (CEQA), as amended, as stated in Public Resources Code Section 21000 et seq. City has determined that the project is categorically exempt from the requirements of CEQA, as amended, pursuant to the Commission's Rules of Practice and Procedure, Rule 17.1(h)(1)(A) 5,6,7 which states:

17.1 (Rule 17.1) Preparation and Submission of Environmental Impact Reports

(h) Categorical Exemptions.

- (1) The following specific projects are within the classes of projects, which the Secretary for Resources has exempted from the EIR requirements of CEQA:

(A) Class 1 exemptions.

5. Alteration in railroad crossing protection.
6. Minor railroad crossing alterations as described in Guidelines Section 15301(c) and (f), including, but not limited to filings under General Order No. 88.
7. Installation of new railroad-highway signals or signs.

The Commission is a responsible agency for this project under CEQA and also has reviewed and considered the lead agency's Categorical Exemption determination. The Commission also has reviewed the lead agency's NOTICE OF EXEMPTION and PRELIMINARY EXEMPTION ASSESSMENT (as shown in Appendix A). We find that the determination of exemption from CEQA is appropriate and consistent with Rule 17.1(h)(1)(A) 5,6,7 and we adopt the determination of exemption for purposes of our approval. The Commission's

Rail Safety and Carriers Division – Rail Crossings Engineering Section staff has inspected the proposed project site. Staff examined the need for and safety of the proposed pre-signals and interconnect steel sleeving and recommends that the Commission grant the City's request.

The Commission found the Application in compliance under the Commission's filing requirements, including Rule 39 of Rules of Practice and Procedure, which relates to the widening, relocation, and alteration of existing crossings over railroad track. A site map and detailed drawings of the proposed project are shown in Appendix B attached to this order.

In Resolution ALJ 176-3075, dated November 8, 2001 and published on the Commission Daily Calendar on November 9, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no hearings were held, this preliminary determination remains accurate. The Commission's Rail Safety and Carriers Division recommends that the Commission grant this Application. Given these developments, public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3075.

This Application is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Findings of Fact

1. Notice of the Application was published in the Commission Daily Calendar on November 7, 2001. There are no unresolved matters or protests; a public hearing is not necessary.

2. City requests authority, under Public Utilities Code Sections 1201-1205, to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing of SCRRA/Metrolink San Gabriel Subdivision in Fontana, San Bernardino County.

3. City is justified in installing pre-signals since Sierra Avenue railroad grade crossing is within 200 feet of the traffic signal locations at the vehicular intersections of Sierra Avenue at Orange Way (north of Sierra Avenue Crossing) and Sierra Avenue at Ceres Avenue (south of Sierra Avenue Crossing).

4. Each pre-signal will consist of a traffic signal pole and mast arm with LED indications specified by Caltrans.

5. The proposed steel sleeving is required to provide a means of installing communication media to traffic signals on both sides of the railroad crossing.

6. To avoid conflicts between the pre-signals/traffic signals and the warning devices at Sierra Avenue grade crossing, City will provide, as prescribed by General Order 75-C, Section 7.10, traffic signal preemption at the intersections of Sierra Avenue at Orange Way and Sierra Avenue at Ceres Way and pre-signal preemption by actuated railroad crossing signals at Sierra Avenue Crossing.

7. Traffic signal preemption will preclude motor vehicles from queuing across the railroad tracks during average daily peak hours.

8. Public safety requires that the crossing be protected by two Standard No. 9 automatic gate-type signals and two median-mounted Standard No. 9 automatic gate-type signals, as specified in General Order 75-C.

9. City is the lead agency for this project under CEQA, as amended.

10. The Commission is a responsible agency for this project, and has reviewed and considered the lead agency's Notice of Exemption and Preliminary Exemption Assessment.

Conclusions of Law

1. The project is categorically exempt from the requirements of CEQA, as amended, pursuant to the Commission's Rules of Practice and Procedure, Rule 17.1(h)(1)(A) 5,6,7, and CEQA Guideline Section 15301(c).
2. The application should be granted as set forth in the following order.

O R D E R**IT IS ORDERED** that:

1. City of Fontana (City) is authorized to install pre-signals and interconnect steel sleeving at the existing Sierra Avenue Crossing across Southern California Regional Rail Authority's (SCRRA) San Gabriel Subdivision tracks in Fontana, San Bernardino County, at the location and substantially as shown by the plans attached to the Application and Appendix B of this order, identified as Crossing 101SG-49.1.
2. Clearances shall be in accordance with Commission General Order 26-D. Walkways shall conform to General Order 118.
3. Protection at the crossing shall be two Standard No. 9 automatic gate-type signals and two median-mounted Standard No. 9 automatic gate-type signals, as specified in General Order 75-C.
4. The City is authorized to install traffic signals and interconnect steel sleeving at the Sierra Avenue Crossing.
5. As specified in General Order 75-C, Section 7.10, preemption of the traffic signals by the railroad signals shall be included with the installation to preclude queuing of motor vehicles at the crossing.

6. In the event that staff conducts statewide workshops on the effectiveness of pre-signals in the future, City shall actively participate and provide full cooperation with staff in these workshops.

7. Construction and maintenance costs shall be borne by applicant in accordance with Section 1202.2 of the Public Utilities Code.

8. Within 30 days after completion of the work under this order, City shall notify the Commission in writing that the authorized work has been completed.

9. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity or safety so require.

10. The application is granted as set forth above.

11. Application 01-10-044 is closed.

This order becomes effective 30 days from today.

Dated _____, at San Francisco, California.

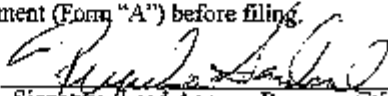
APPENDIX A
ENVIRONMENTAL DOCUMENTS

NOTICE OF EXEMPTION

TO: ☒ Clerk of the Board of Supervisors FROM: City of Fontana
or 8353 Sierra Ave
County Clerk Fontana, CA 92335

County of: _____
San Bernardino

1. Project Title: Traffic Signal and Safety Lighting
2. Project Location - Specific: Sierra Avenue and Ceres Avenue
3. (a) Project Location - City: City of Fontana
(b) Project Location - County: San Bernardino
4. Description of nature, purpose, and beneficiaries of project: To Improve Traffic Safety/Intersection Capacity/Reduce Vehicle Emissions
5. Name of Public Agency approving project: City of Fontana
6. Name of Person or Agency carrying out project: City of Fontana
7. Exempt Status (Check One)
 - (a) ☐ Ministerial project.
 - (b) ☐ Not a project.
 - (c) ☐ Emergency project.
 - (d) ☒ Categorical Exemption. State type and class number: _____
Existing Facilities-Class 1
 - (e) ☐ Declared Emergency.
 - (f) ☐ Statutory Exemption. State Code section number. 1
 - (g) ☐ Other. Explanation: _____
8. Reason why project was exempt: _____
9. Contact Person: Ricardo Sandoval
Telephone: 909 350-7613
10. Attach Preliminary Exemption Assessment (Form "A") before filing.


Signature (Lead Agency Representative)

Acting City Engineer
Title

ENVIRONMENTAL DOCUMENTS

PRELIMINARY EXEMPTION ASSESSMENT

(Certificate of Determination
When Attached to Notice of Exemption)

1. Name or description of project: Install Traffic Signal/Safety Lighting
2. Location: Sierra Avenue/Ceres Avenue
3. Entity or Person undertaking project:
- x A. City of Fontana
- B. Other (Private)
- (1) Name: _____
- (2) Address: _____
4. Staff Determination: _____

The City's Staff, having undertaken and completed a preliminary review of this project in accordance with the City's "Local Guidelines for Implementing the California Environmental Quality Act (CEQA)" has concluded that this project does not require further environmental assessment because:

- (a) _____ The project action does not constitute a project under CEQA.
- (b) _____ The project is a Ministerial Project.
- (c) _____ The project is an Emergency Project.
- (d) _____ The project constitutes a feasibility or planning study.
- (e) x _____ The project is categorically exempt
- Applicable Exemption Class: _____
- (f) _____ The project is statutorily exempt.
- Applicable Exemption: _____
- (g) _____ The project is otherwise exempt on the following basis:
- _____
- (h) _____ The Project involves another public agency with constitutes the Lead Agency. Name of the Lead Agency: _____

August 3, 2000
Date

Ricardo Sandoval, P. E.
Acting City Engineer

APPENDIX B

PLANS

Proposed Traffic Signal at Sierra and Ceres

